

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
(Wheeling Division)

HERMAN STRAUSS, INC., a West Virginia corporation, : Civil Action No. 05-07-cv-74

v. : Hon. Frederick P. Stamp, Jr.

ESMARK INCORPORATED, a Delaware corporation : :

**RULE 41 STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Plaintiff, Herman Strauss, Inc., and Defendant, Esmark Steel Service Group, Inc. f/k/a Esmark Incorporated, by their respective undersigned counsel, and pursuant to Fed.R.Civ.P. 41, hereby stipulate to the voluntary dismissal with prejudice of this action, with each party to bear its own costs and expenses, including attorneys' fees.

/s/ Denise Knouse-Snyder

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Dated: May 9, 2008

Approved and so Ordered:

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U.S. District Court Judge

Dated: \_\_\_\_\_, 2008